

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

**Plaintiff.**

V.

KEITH MICHAEL ANDERSON,

Defendant.

**Case No. 10cr2333-MMA**

**ORDER RE: DEFENDANT'S  
MOTION FOR JUDICIAL  
RECOMMENDATION**

[Doc. No. 58]

On February 22, 2011, Defendant Keith Michael Anderson pleaded guilty to a single-count Superseding Information charging him with sexual exploitation of a minor in violation of Title 18, United States Code, section 2251(a). *See* Doc. No. 36. The Court sentenced Defendant to the mandatory-minimum custodial term of 180 months. *See* Doc. No. 56. Defendant is currently set to be released from the Bureau of Prisons' custody on February 7, 2023.<sup>1</sup> Defendant, proceeding *pro se*, now moves this Court for a recommendation to the Director of the Bureau of Prisons that Defendant be housed in a Residential Reentry Center for the maximum term of twelve months preceding the end of his sentence. *See* Doc. No. 58. Defendant requests the Court recommend placement in the Eastern District of Texas where he has the support of family and his spiritual advisor.

<sup>1</sup> See Federal Bureau of Prisons Online Inmate Locator, available at <https://www.bop.gov/inmateloc> (last visited 7/16/2020).

1 Defendant further seeks transfer of his supervision to the Eastern District of Texas. For  
 2 the reasons set forth below, the Court **GRANTS IN PART** and **DENIES IN PART**  
 3 Defendant's motion.<sup>2</sup>

4 **DISCUSSION**

5 It is incumbent on the Director of the Bureau of Prisons to "ensure that a prisoner  
 6 serving a term of imprisonment spends a portion of the final months of that term (not to  
 7 exceed 12 months), under conditions that will afford that prisoner a reasonable  
 8 opportunity to adjust to and prepare for the reentry of that prisoner into the community."  
 9 18 U.S.C. § 3624(c)(1). This may include transfer to a "community correctional facility,"  
 10 *id.*, often referred to as either a Residential Reentry Center ("RRC") or halfway house.  
 11 The decision to transfer an inmate to an RRC during the final months of imprisonment  
 12 lies within the sound discretion of the Bureau of Prisons. *See Rodriguez v. Smith*, 541  
 13 F.3d 1180, 1184-88 (9th Cir. 2008). Although sentencing courts lack the authority to  
 14 designate the location of a defendant's confinement or placement in a particular facility, a  
 15 district court may recommend "a type of penal or correctional facility as appropriate." 18  
 16 U.S.C. § 3621(b)(4)(B). An RRC is a qualifying facility and the Ninth Circuit has  
 17 indicated that district courts have "the authority to make (or not make) non-binding  
 18 recommendations to the Bureau of Prisons at any time . . ." *United States v. Ceballos*,  
 19 671 F.3d 852, 856 n.2 (9th Cir. 2011).

20 While Congress invested the Bureau of Prisons with sole authority over the  
 21 placement of federal inmates, it also recognized that sentencing courts would be in a  
 22 unique position to make well-supported recommendations regarding placement at the end  
 23 of a defendant's term of incarceration. Defendant has articulated multiple factors  
 24 favoring his request and provided supporting documentation of his accomplishments  
 25 during his lengthy term of incarceration. Furthermore, the Court notes that special  
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 28 <sup>2</sup> The Court finds this matter suitable for determination without a response from the government.

1 condition number 14 of Defendant's supervised release requires him to reside in an RRC  
2 for a period of up to 120 days. *See Judgment*, Doc. No. 56 at 5. Accordingly, placement  
3 in an RRC prior to the commencement of his supervision seems appropriate and the  
4 Court will so recommend. However, the Court defers to the Bureau of Prisons'  
5 determination as to the appropriate period of months.

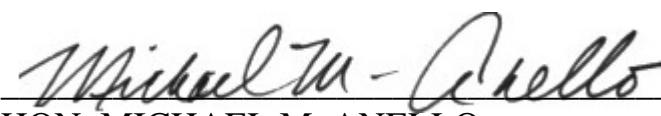
6 To the extent Defendant requests transfer of his supervision to the Eastern District  
7 of Texas, the request is premature. As explained above, the Bureau of Prisons retains  
8 ultimate authority over Defendant's placement during the final months of his custodial  
9 term. And while the Court acknowledges that living in San Diego may prove challenging  
10 for Defendant given the nature of his offense and identity of the primary victim of  
11 Defendant's criminal conduct, the conditions of Defendant's supervised release currently  
12 require him to reside in the Southern District of California. Upon completion of  
13 Defendant's custodial term, he may request modification of those conditions to permit  
14 residence in, and have supervision transferred to, another judicial district. *See* 18 U.S.C.  
15 § 3605 ("A court, after imposing a sentence, may transfer jurisdiction over a probationer  
16 or person on supervised release to the district court for any other district to which the  
17 person is required to proceed as a condition of his probation or release, or is permitted to  
18 proceed, with the concurrence of such court.").

19 **CONCLUSION**

20 Based on the foregoing, the Court **GRANTS IN PART** and **DENIES IN PART**  
21 Defendant's motion. The Court **RECOMMENDS** to the Director of the Bureau of  
22 Prisons that Defendant be placed in an RRC for some period of months, not to exceed the  
23 statutory maximum, prior to the end of his custodial term. The Court declines to make  
24 any further recommendations regarding Defendant's placement.

25 **IT IS SO ORDERED.**

26 DATE: July 17, 2020

  
27 HON. MICHAEL M. ANELLO  
28 United States District Judge